IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 1133 of 2006.
Date of Decision: October 26, 2006.

Chiranji Lal

....**Petitioner**

through
Mr. I.D.Singla, Advocate

Versus

D.S.Dheri, IAS & Anr.

...**Respondents**

through
Mr. R.D.Sharma, DAG, Haryana.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

Vide order dated 23.3.2004, issued on 21.4.2004, (Annexure P1), the petitioner's seniority as a Clerk in the Head Office cadre was re-determined and he was placed at Sr. No.4 of the tentative seniority list as on 31.5.2001.

As the petitioner was not granted consequential benefits on the basis of re-determination of his seniority, he approached this Court by way of CWP No.5579 of 2004 which was disposed of by this Court on 13.09.2005 with a direction that after the petitioner's seniority has been re-cast and he has been placed at an appropriate place “all consequential benefits shall be given to the petitioner within a period of four months from the date of receipt of a certified copy of the said order”.

In compliance to the aforesaid order, the second respondent passed an order dated 12.5.2006 (issued on 1.6.2006) (Annexure P-3) whereby the petitioner has been retrospectively promoted as Assistant w.e.f. 27.2.1990 and as Deputy Superintendent w.e.f. 16.12.2002. It is not

disputed that the consequential benefits on the basis of the afore-stated due dates of promotion have also been released in his favour.

The petitioner, however, has initiated these contempt proceedings, inter-alia alleging that since his junior, namely, Tek Chand was promoted as Assistant/Deputy Superintendent etc. from the dates prior to the dates from which the petitioner has now been promoted, respondents have failed to comply with the directions issued by this Court in true letter and spirit.

On the asking of the Court, Mr. R.D.Sharma, learned DAG, Haryana, has got instructions and has filed affidavits on behalf of respondents No. 1 and 2. In his reply/affidavit, respondent No.2 has justified the passing of the order (Annexure P-3).

After hearing learned counsel for the parties and having regard to the fact that there is a serious dispute in relation to the scope and import of "consequential benefits", to which the petitioner claims entitled, in pursuance of the order dated 13.9.2005 passed by this Court and referred to above, this petition is disposed of with liberty to the petitioner to make a self-explanatory representation to respondent No.2 as to why he is entitled for retrospective promotions from the dates prior to the dates from which he has now been promoted. If any such representation is made by him, the Registrar, Cooperative Societies, Haryana shall consider the same in accordance with law and dispose of the same as expeditiously as possible and preferably within four months from the date a certified copy of this order is received by him.

Disposed of.

October 26, 2006. **(SURYA KANT)**
dinesh **JUDGE**